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The General Legislative Grants Regulations

1994



General Legislative Grants, 1994

Public, Separate and Secondary School Boards

Made under the Education Act
O. Reg /94



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GENERAL LEGISLATIVE GRANTS 1994

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REGULATION MADE UNDER THE
EDUCATION ACT

GENERAL LEGISLATIVE GRANTS, 1994

DEFINITIONS

1. In this Regulation the following definitions apply for a board for the year 1994,

"assessment" means the sum of,

- (a) the residential and farm assessment as defined in section 248 of the Act, and
- (b) the quotient obtained by dividing by 0.85 the commercial assessment as defined in section 248 of the Act,

that is rateable for the purposes of the board;

"A.E.F. for grant purposes" for a municipality or locality, means the assessment equalization factor provided by the Minister for this purpose;

"capital appurtenances" means,

- (a) school sites and additions and improvements thereto,
- (b) school buildings, including permanent fixtures thereof, and additions, alterations and renovations to such buildings and permanent fixtures,
- (c) buildings that are not school buildings, including permanent fixtures thereof, and additions, alterations and renovations to such buildings and permanent fixtures,
- (d) vehicles and watercraft used for the transportation of pupils, and replacements of such vehicles and watercraft, and
- (e) furniture and equipment and replacements thereof and library resource materials for the initial equipping of a library resource centre, but excluding therefrom items referred to in clause (d) and permanent fixtures of a building;

"capital element included in rent" in respect of rental of computer equipment for instructional purposes and rental of accommodation and school sites means the total rental revenue or rental expenditure as the case may be, that is in excess of the cost of services that are included as part of the rental contract, except that in the case of rental of computer equipment or accommodation for instructional purposes, the capital element in rent cannot be less than the portion designated by the Minister for inclusion in the determination of the recognized extraordinary expenditure of the board;

"continuing education A.D.E. for grant purposes" means the sum of the portion of the average daily enrolment calculated under section 3 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) that is in respect of pupils enrolled in a program operated by the board in a course approved by the Minister,

- (a) established for adults for which one or more credits or credit equivalents may be granted or in an independent study course, and in the case of a separate school board other than a Roman Catholic school board, the course is in the intermediate division,
- (b) of citizenship and language instruction for persons admitted to Canada as permanent residents under the Immigration Act (Canada),
- (c) of English or French as a second language for adults whose first language is neither English nor French, or
- (d) of Native language instruction for adults,

and in the case of,

- (e) a course described in clause (a), except for a pupil enrolled in an independent study course, for French-speaking adults in which French is the language of instruction,
- (f) a course described in clause (b), (c) or (d), or
- (g) a course described in clause (a), except for a pupil enrolled in an independent study course, offered in a secondary school that has an enrolment of fewer than 120 pupils per grade and that is located in a territorial district more than 80 kilometres from all other secondary schools in the Province that have the same language of instruction,

where the number of pupils is fewer than fifteen, such number shall be increased by five or a lesser number, as the case requires, to a maximum of fifteen for the purpose of calculating the continuing education A.D.E. for grant purposes;

"current cost of operating" means the sum of the current expenditure of the board and the social contract target of the board less the sum of,

- (a) current expenditure for,
 - (i) the capital element included in rent payable,
 - (ii) transportation of pupils and persons qualified to be resident pupils to and from a school, a facility referred to in subsection 190(3) of the Act or a centre referred to in subsection 190(4) thereof,
 - (iii) transportation of pupils from one school to another school or a facility referred to in subsection 190(3) of the Act, where such transportation is of a kind that is eligible for approval by the Minister as recognized expenditure for transportation,
 - (iv) board, lodging and weekly transportation of pupils under sections 76, 190, 289 and 291 of the Act,
 - (v) capital appurtenances,

- (vi) debt charges, other than debt charges in respect of the interest payments on debentures issued for operating purposes under Part (III) of the Municipal Affairs Act,
 - (vii) tuition fees in respect of resident-external pupils of the board,
 - (viii) P.A.C. in respect of resident-external pupils of the board,
 - (ix) relocation of portable classrooms,
 - (x) restoration of destroyed and damaged capital appurtenances, and
 - (xi) interest on short-term borrowings for the period between the date of issue and date of sale of debentures for the purchase of capital appurtenances,
- (b) the sum of,
- (i) tax adjustments,
 - (ii) the costs of performing the duties of a municipal council in territory without municipal organization,
 - (iii) provision for a reserve for working funds,
 - (iv) provision for a reserve for tax reduction in 1995,
 - (v) allocation to reserve funds,
- (c) current revenue from sources other than,
- (i) legislative grants except payments under subsections 16(2) and 17(2), section 26, subsections 27(1) and (4) and sections 29, 40 and 41,
 - (ii) taxes, payments in lieu of taxes and trailer fees,
 - (iii) tuition fees in respect of non-resident pupils of the board,
 - (iv) the P.A.C. in respect of non-resident pupils of the board,
 - (v) the capital element included in rent receivable,
 - (vi) disposal of capital appurtenances,
 - (vii) insurance proceeds in respect of capital appurtenances,
 - (viii) transfers from other funds,
 - (ix) transfers from a reserve for working funds,
 - (x) transfer from a reserve for tax reduction,
 - (xi) accrued interest on debentures sold at date of sale thereof,
 - (xii) interest earned on capital funds,
 - (xiii) reimbursements of expenditure for transportation of pupils including payments under sections 34 and 35,

- (xiv) grants, except legislative grants, or other reimbursements for capital expenditure from the revenue fund,
- (xv) donations directed in writing by the donor to the purchase of a capital appurtenance and so applied, and
- (xvi) payments received under section 44(3) of the Ottawa-Carleton French-Language School Board Act, and

(d) the amount calculated under clause 28(a);

"day school A.D.E. of resident-internal pupils" means the portion of the average daily enrolment calculated under section 2 of Ontario Regulation .../94, (Calculation of Average Daily Enrolment) that is in respect of resident-internal pupils of the board;

"day school A.D.E. of resident-external pupils" means the portion of the average daily enrolment calculated under section 2 of Ontario Regulation .../94, (Calculation of Average Daily Enrolment) that is in respect of resident-external pupils of the board;

"day school A.D.E. of non-resident pupils" means the portion of the average daily enrolment calculated under section 2 of Ontario Regulation .../94, (Calculation of Average Daily Enrolment) that is in respect of non-resident pupils of the board;

"elementary school pupil" means a pupil who is enrolled in a school operated by,

- (a) a district school area board, a Protestant separate school board, a Roman Catholic separate school board other than a Roman Catholic school board, or
- (b) a board of education, a Roman Catholic school board or the public sector or the Roman Catholic sector of The Ottawa-Carleton French-language School Board for the purposes of receiving education in the primary division, junior division or first two years of the intermediate division;

"eligible sum for French as a first language" means,

(a) in respect of elementary school pupils, the sum of,

- (i) the product of \$291 and the enrolment for a program provided in a French-language instructional unit, and
- (ii) where in 1994 the board establishes under section 289 of the Act a class in which French is the language of instruction in an elementary school where no such class was provided prior to the 2nd day of September, 1974 and such class is approved by the Minister for grant purposes,

(A) \$5,400 if the class established in 1994 is the first,

(B) \$3,240 if the class established in 1994 is the second,

(C) \$2,160 if the class established in 1994 is the third,

such class in the school, and

- (b) in respect of secondary school pupils, the sum of the products obtained by multiplying the enrolment for a program in a subject in a class established under section 291 of the Act in which French is the language of instruction, by the number of credits or credit equivalents that may be granted to a pupil for the subject or by,

- (i) \$89 in the case of pupils enrolled in the intermediate division, or
- (ii) \$95 in the case of pupils enrolled in the senior division,

subject to the limitation that the maximum number of credits or courses for which no credit may be granted that may be taken into account for the purpose of this subparagraph in respect of any one pupil is five;

"eligible sum for French as a second language" means,

- (a) in respect of elementary school pupils, the sum of,
 - (i) the product of \$119 and the enrolment for a program in classes established for pupils whose first language is not French of an average of 20 or more minutes but less than 40 minutes per school day of instruction in French,
 - (ii) the product of \$229 and the enrolment for a program in classes established for pupils whose first language is not French of an average of 40 or more minutes but less than 60 minutes per school day of instruction in French,
 - (iii) the product of \$260 and the enrolment for a program in classes established for pupils whose first language is not French of an average of 60 or more minutes but less than 150 minutes per school day of instruction in French, and
 - (iv) the product of \$291 and the enrolment for a program in classes established for pupils whose first language is not French of an average of,
 - (A) 150 minutes or more per school day of instruction in French, for pupils other than pupils enrolled in junior kindergarten or kindergarten, or
 - (B) 75 minutes or more per school day of instruction in French, for pupils enrolled in junior kindergarten or kindergarten, and
- (b) in respect of secondary school pupils, the sum of,
 - (i) the products obtained by multiplying the enrolment for a program in the subject of French that is established for pupils whose first language is not French, by the number of credits or credit equivalents that may be granted to a pupil for such subject, and by,
 - (A) \$57 in the case of a subject offered in the intermediate division, or
 - (B) \$75 in the case of a subject offered in the senior division, and

- (ii) the products obtained by multiplying the enrolment for a program established for pupils whose first language is not French and in which a subject other than French is taught in the French language, by the number of credits or credit equivalents that may be granted to a pupil for such subject, and by,
 - (A) \$94 in the case of a subject offered in the intermediate division, or
 - (B) \$145 in the case of a subject offered in the senior division;

"eligible sum for full-day kindergarten" means the product of,

- (a) the sum of \$4,150 and the amounts per pupil that are set out in Columns 10 and 11 of Table 2 opposite the name of the board in Column 1 of Table 2,
- (b) 0.50, and
- (c) the sum of the products of the number of resident-internal and non-resident pupils of the board,
 - (i) who on the last school day of September, 1993 are enrolled for an average of 300 or more minutes per school day in a kindergarten operated by the board and 0.6, and
 - (ii) who on the last school day of September, 1994 are enrolled for an average of 300 or more minutes per school day in a kindergarten operated by the board and 0.4;

"eligible sum for Native as a second language" means,

- (a) in respect of elementary school pupils, the sum of,
 - (i) the product of \$219 and the enrolment in a Native language program of an average of 20 or more minutes but less than 40 minutes per school day,
 - (ii) the product of \$389 and the enrolment in a Native language program of an average of 40 or more minutes per school day, and
- (b) in respect of secondary school pupils, the sum of the products obtained by multiplying the enrolment in a Native language program by the number of credits or credit equivalents that may be granted to a pupil for such program, and by,
 - (i) \$57 in the case of a program offered in the intermediate division, or
 - (ii) \$75 in the case of a program offered in the senior division;

"enrolment for a program" means the sum of,

- (a) the product of the number of resident-internal pupils and non-resident pupils of the board who on the last school day of September, 1993 are registered in the program and 0.6, and
- (b) the product of the number of resident-internal pupils and non-resident pupils of the board who on the last school day of September, 1994 are registered in the program and 0.4,

"enrolment in a Native language program" means the sum of the products of the number of resident-internal pupils and non-resident pupils of the board, other than those whose fees are receivable from Canada or from a band, council of a band or education authority authorized by the Crown in right of Canada to provide education for Indians,

- (a) who on the last school day of September, 1993 are registered in the program and 0.6, and
- (b) who on the last school day of September, 1994 are registered in the program and 0.4;

"E.A." means equalized assessment for a board and is equal to the sum of the equalized assessment for the municipalities or localities within the jurisdiction of the board;

"equalized assessment for a municipality or locality" means the quotient obtained by dividing the product of 100 and the sum of the assessment and the equivalent assessment for the municipality or locality by the A.E.F. for grant purposes;

"equivalent assessment for a municipality or locality" means the amount of assessment that would yield an amount equal to the sums payable or allocated by the municipality or locality to a board in respect of,

- (a) the tax levied under subsections 159(12) and (13) of the Municipal Act that is paid or allocated to the board, and
- (b) payments in lieu of taxes,

if such assessment were levied upon at the rate levied in 1993 in the municipality or locality for the purposes of the board on residential and farm assessment, or such amount as adjusted by the Minister;

"isolate board" means a district school area board, a rural separate school board, a combined Roman Catholic separate school board, a Protestant separate school board or a secondary school board;

"maximum recognized day school O.E." means the amount calculated as follows,

$$A - (B \times \frac{A}{B + C}), \text{ correct to two places of decimals}$$

except where $\frac{A}{B + C}$ is greater than 1 it shall be 1, and

where,

A = the product of the day school A.D.E. of resident-internal pupils of the board and \$4,134 in the case of elementary school pupils and \$5,066 in the case of secondary school pupils,

B = the excess of,

- (a) the total of the salaries, wages and related employee benefits that are not payable to teachers and other employees of the board because of a strike or lockout, other than salaries, wages and employee benefits for instruction of summer schools, heritage language classes, and courses referred to in the definition "continuing education A.D.E. for grant purposes",

over,

- (b) the expenditures incurred by the board that are approved by the Minister and are attributable to a strike or lockout of the employees for which the savings for salaries, wages and employee benefits are included in clause (a) except a provision for a reserve for tax reduction, and

C = O.E. less tuition fees in respect of resident-external pupils of the board;

"MR" means the standard mill rate for R.O.E. and is equal to .005702 for elementary school purposes or 0.004698 for secondary school purposes;

"MR1" means the standard mill rate for recognized extraordinary expenditure and is equal to 0.000073 for elementary school purposes or 0.000040 for secondary school purposes;

"MR2" means the standard mill rate for operating expenditure and is equal to 0.000138 for elementary school purposes or 0.000093 for secondary school purposes;

"non-resident pupil" of a board means a pupil, other than a pupil from outside Ontario enrolled at a school under a student exchange program approved by the board, who is enrolled at a school operated by the board,

(a) in respect of whom,

- (i) the Minister pays the cost of education,
- (ii) the board charges a fee to another board,
- (iii) the board may charge a fee to Canada, to a board appointed under section 68 of the Act or to a source outside Ontario, or
- (iv) the board may charge a fee to a band, the council of a band or education authority that is authorized by the Crown in the right of Canada to provide education for Indians,

(b) who is a registered Indian residing on a reserve as defined in the Indian Act (Canada), or

(c) who is a pupil in Canada as a visitor or as a student under the Immigration Act (Canada) for whom the board is required under subsection 49(6) of the Act to charge the maximum fee calculated in accordance with the regulations;

"O.E." means ordinary expenditure and is equal to the current cost of operating increased by tuition fees in respect of resident-external pupils of the board, and reduced by the sum of,

- (a) the eligible sum for French as a first language, the eligible sum for French as a second language, the eligible sum for full-day kindergarten, the eligible sum for Native as a second language,
- (b) cost of education payable under sections 31 to 33 inclusive reduced by the P.A.C. included in such cost of education,
- (c) tuition fees in respect of non-resident pupils of the board,

- (d) grants for reduction in class size for grades 1 and 2 determined under section 21,
- (e) grants for small schools, small boards, small sections, goods and services, compensatory education, declining enrolment, language instruction, mixed schools and technical education determined under sections 10, 11, 12, 13, 14, 15, 18, 19 and 25 respectively,
- (f) assistance for open-access tuition fees determined under section 39,
- (g) grants providing special compensation for pooling under section 45, and
- (h) payments received under section 44(3) of the Ottawa-Carleton French-language School Board Act;

"payment in lieu of taxes" means, in respect of a municipality, the sum of,

- (a) the amounts payable by the municipality to the board under subsection 7(10) of the Housing Development Act, under subsection 445(4) of the Municipal Act and under subsection 52(9) of the Power Corporation Act,
- (b) the amount paid by the municipality to the board that is in excess of the amount requisitioned by the board and which is in respect of an allocation of taxes or payments in lieu of taxes other than the amount receivable by the board under section 35 of the Assessment Act,
- (c) the amounts receivable by the board from subscriptions in lieu of taxes, and
- (d) the amounts payable by the municipality to the board under section 2 of the Municipal and School Board Payments Adjustment Act;

"psychiatric facility" means a children's mental health centre established or approved under subsection 8(1) of Part I (Flexible Services) of the Child and Family Services Act, or a facility designated as a psychiatric facility under the Mental Health Act and includes the private hospital known as "The Villa" and located in the Town of Vaughan;

"P.A.C." means the pupil accommodation charge for a pupil and is equal to the product of the portion of the average daily enrolment calculated under section 2 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) that is in respect of the pupil and \$141 in the case of an elementary school pupil or \$282 in the case of a secondary school pupil;

"R.E.E." means recognized extraordinary expenditure and is equal to the sum of,

- (a) debt charges payable by the board or on its behalf by a municipality or a county in respect of the portion of a debenture approved by the Minister for grant purposes,
- (b) the portion of the expenditure approved by the Minister for the purchase of computer hardware for instructional purposes,

- (c) the restoration of the items referred to in clauses (d) and (e) of the definition "capital appurtenances" up to the amount of the proceeds of insurance in respect of their loss,
 - (d) the lesser of,
 - (i) expenditure for items referred to in clause (e) of the definition "capital appurtenances" less the sum of,
 - (A) such expenditure included in clause (b) or (c),
 - (B) such expenditure eligible for grant under subsection 27(3) or section 51, and
 - (C) current revenue from donations that is not deducted in the determination of current cost of operating under subclause (c)(xv) of the definition "current cost of operating" except such revenue from donations that is applied to expenditure for capital appurtenances that is other than expenditure for furniture and equipment included in this subclause, and,
 - (ii) the sum of,
 - (A) current revenue from the sale or disposal of items referred to in clause (e) of the definition "capital appurtenances", and
 - (B) the product of \$16 in the case of an elementary school pupil or \$27 in the case of a secondary school pupil and the day school A.D.E. of resident-internal pupils of the board,less the portion of the revenue from the sale or disposal of, and from insurance proceeds in respect of, capital appurtenances that is designated by the Minister as deductible from R.E.E.,
 - (e) the portion approved by the Minister for grant purposes of the capital element included in rent payable,
 - (f) the P.A.C. in respect of resident-external pupils of the board,
 - (g) the portion of the expenditure for the relocation of portable classrooms that is not in excess of the product of \$4,250 and the number of relocations approved by the Minister,
 - (h) the portion of the expenditure approved by the Minister for the training of teachers in the use of computer technology for instructional purposes, and
 - (i) the portion of the expenditure approved by the Minister for the training of teachers in the use of technological equipment for instructional purposes, and
 - (j) the portion of the expenditure approved by the Minister for the purchase of computer software for instructional purposes,
- less the sum of,
- (k) the P.A.C. in respect of non-resident pupils of the board, and

- (1) the portion of the capital element included in rent receivable that is designated by the Minister as deductible from R.E.E.;

"R.O.E." means recognized ordinary expenditure and is equal to the lesser of the O.E. and the sum of,

- (a) the maximum recognized day school O.E.,
- (b) the teacher qualifications and experience adjustment,
- (c) the product of the portion of the summer school A.D.E. for grant purposes that is in respect of elementary school pupils of the board and \$4,134,
- (d) the recognized tuition fees, and
- (e) the sum of,
 - (i) the portion of the expenditure that is approved by the Minister for training assistance of designated persons as specified in Ontario Regulation 705/87 (Training Assistance), and
 - (ii) the portion of the salaries, wages and benefits paid by the board to designated persons referred to in subclause (i) that is approved by the Minister and that is in respect of the portion of the designated person's contract time during 1994 that is specified, in a written agreement between the designated person and the board, as being directed towards training and released from board-assigned duties;

"recognized expenditure for transportation" means the sum of,

- (a) the amount approved by the Minister for grant purposes for the transportation of,
 - (i) resident-internal pupils and resident-external pupils of the board to and from school and from school to school, and
 - (ii) persons qualified to be resident pupils of the board to and from the schools and facilities referred to in subsection 190(3) of the Act and the centres referred to in subsection 190(4) thereof,

except where the parent or guardian of a pupil contributes, other than by taxation, to the cost of such transportation, and

- (b) the amount approved by the Minister for grant purposes for board, lodging and weekly transportation to school and return of resident-internal pupils and resident-external pupils of the board;

"recognized tuition fees" means the expenditure for tuition fees less the sum of,

- (a) the product of \$4,134 in the case of an elementary school pupil or \$5,066 in the case of a secondary school pupil and the number by which the average daily enrolment in respect of resident-external pupils of the board is increased for fee purposes by the application of factors determined under subsection 3(4) of Ontario Regulation /94 (Calculation of Fees for Pupils), and

- (b) the sum of the amounts that are determined for the board, in respect of each of the boards with which the board has the same or part of the same area of jurisdiction, calculated as follows,

$$A \times (B - C)$$

where,

- A = the portion of the day school A.D.E. of resident-external pupils of the board that is in respect of secondary school pupils for whom fees are payable to the board that has the same or part of the same area of jurisdiction,
- B = the tuition fee charged by the board that has the same or part of the same area of jurisdiction as determined under clause 3(1)(a) of Ontario Regulation /94 (Calculation of Fees for Pupils), and
- C = the sum of \$5,066 and the amounts per pupil that are set out in Columns 10 and 11 of Table 2 opposite the name of the board in Column 1 of Table 2, and where the amount is negative, it shall be zero;

"resident-external pupil" of a board means a pupil whose fee is payable by the board;

"resident-internal pupil" of a board means a pupil, other than a non-resident pupil, who is enrolled at a school operated by the board;

"secondary school pupil" means a pupil who is enrolled in a school operated by,

- (a) a secondary school board, or
- (b) a board of education, a Roman Catholic school board or the public sector or the Roman Catholic sector of The Ottawa-Carleton French-language School Board for the purposes of receiving education in the last two years of the intermediate division or in the senior division;

"summer school A.D.E. for grant purposes" means,

- (a) in respect of elementary school pupils, the portion of the average daily enrolment calculated under section 3 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) that is in respect of resident-internal pupils of the board enrolled in summer schools established by the board, in a course of study for the developmentally delayed and the course is approved by the Minister for grant purposes, and
- (b) in respect of secondary school pupils, the portion of the average daily enrolment calculated under section 3 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) that is in respect of pupils enrolled in summer schools established by the board in a course for which credits or credit equivalents may be granted, and the course is approved by the Minister for grant purposes;

"teacher qualifications and experience adjustment" means the product of,

- (a) the day school A.D.E. of resident-internal pupils of the board,
- (b) the amount per pupil that is set out in Column 11 of Table 2 opposite the name of the board in Column 1 of Table 2, and
- (c) where a strike or lockout of certain employees of the board occurs during the year, the ratio of the O.E. to the sum of the O.E. and the excess described as B in the definition "maximum recognized day school O.E.";

"tuition fees" means fees for instruction of pupils, less any P.A.C. that is included therein in respect of such pupils;

"social contract" means the sum of,

- (a) the product of 0.6 and the difference between the expenditure reduction target and the teacher pension offset established for the board under the Social Contract Act for the provincial fiscal year 1993-94 and
- (b) the product of 0.4 and the difference between the expenditure reduction target and the teacher pension offset established for the board under the Social Contract Act for the provincial fiscal year 1994-95.

CONDITIONS

2. - (1) The legislative grant payable for 1994 to a board other than an isolate board or a board appointed under section 68 of the Act shall be the sum of the amounts calculated under sections 8 to 45 inclusive and section 51.

(2) The legislative grant payable for 1994 to an isolate board shall be the sum of the amounts calculated under sections 31 to 35 inclusive and section 47.

(3) The legislative grant payable for 1994 to a board appointed under section 68 of the Act shall be the sum of the amounts calculated under sections 31 to 35 inclusive and sections 49 and 50.

(4) Calculations under this Regulation shall, unless otherwise provided, be made using data for 1994.

3. - (1) For the purposes of this Regulation, The Metropolitan Toronto School Board and the boards of education as provided in section 123 of the Municipality of Metropolitan Toronto Act shall be deemed to be one divisional board of education and the area municipalities as provided in section 1 of that Act shall be deemed to be one urban municipality.

(2) For the purposes of this Regulation, the assessment that is rateable for separate school purposes in each municipality in the united counties of Prescott and Russell shall be divided between The Prescott and Russell County Roman Catholic English-Language Separate School Board and the Conseil des écoles séparées catholiques de langue française de Prescott-Russell in the same manner as is prescribed in subsection 15(2), of Ontario Regulation 759/91, respecting payments by municipal corporations under subsection 120(2) of the Act.

4. - (1) The legislative grant payable to a board of education or a Roman Catholic school board shall be calculated separately for elementary school purposes and for secondary school purposes.

(2) The legislative grant payable to a board for elementary school purposes shall be applied to elementary school purposes.

(3) The legislative grant payable to a board for secondary school purposes shall be applied to secondary school purposes.

5. - (1) Where in respect of a board the calculation made to determine a legislative grant described under a section of this Regulation results in a negative amount for elementary or secondary school purposes, the sum of the amounts calculated as payable under the other section or sections of this Regulation shall be reduced by the negative amount, and the remainder obtained thereby is the legislative grant payable to the board for elementary or secondary school purposes as the case may be.

(2) Where the remainder calculated under subsection (1) is a negative amount for elementary school purposes, the legislative grant payable to the board for secondary school purposes shall be reduced by the negative amount, and the remainder obtained thereby is the legislative grant payable to the board.

(3) Where the remainder calculated under subsection (1) is a negative amount for secondary school purposes, the legislative grant payable to the board for elementary school purposes shall be reduced by the negative amount, and the remainder obtained thereby is the legislative grant payable to the board.

(4) Notwithstanding subsections (1), (2) and (3), the legislative grant payable to a board shall not be less than the sum of,

(a) the product of,

- (i) the sum of the amounts calculated for the board under section 27 for elementary school purposes and for secondary school purposes, and
- (ii) an estimate approved by the Minister of the average number of pupils enrolled on each school day in 1994 in the educational programs provided by the board in the facilities referred to in section 27 and who, except as to residence, would be qualified to be resident pupils of another board, divided by the average number of pupils enrolled on each school day in 1994 in the educational programs provided by the board in the facilities referred to in section 27,

(b) the product of,

- (i) the sum of the amounts calculated for the board under sections 31 to 35 inclusive for elementary school purposes and for secondary school purposes, and
- (ii) an estimate approved by the Minister of the average number of pupils enrolled on each school day in 1994 for whom a grant is payable under sections 31 to 35 inclusive and who, except as to residence, would be qualified to be resident pupils of another board, divided by the average number of pupils enrolled on each school day in 1994 for whom a grant is payable under sections 31 to 35 inclusive, and

(c) the sum of the amounts calculated under section 51 in respect of projects approved by the Minister under an agreement for the transfer of the use or ownership of real property from a public board to a Roman Catholic school board, and in respect of projects approved by the Minister under the anti-recession program announced on March 19, 1991, the jobsOntario Capital Fund and the Canada-Ontario Infrastructure Works Program.

6. - (1) It is a condition of the payment to a board of a legislative grant that the board comply with the Acts administered by the Minister and with the Regulations and policy and program initiatives authorized under those Acts, and if a board fails to comply, the Minister may withhold all or part of a legislative grant payable until the board takes the action necessary to correct the condition that caused the grant to be withheld.

(2) Where the legislative grant payable under this Regulation is overpaid, the board shall refund the amount of the overpayment to the Province of Ontario.

(3) Where the legislative grant payable under this Regulation is underpaid, the amount of the underpayment shall be paid to the board.

(4) Where the amount payable to a board under a previous regulation was either overpaid or underpaid, the overpayment or underpayment, as the case may be, shall be deducted from or added to the legislative grant payable under this Regulation to the board that has jurisdiction in the area for which the adjustment is necessary.

(5) Where a board is convicted of an offence or is held by a court to have contravened an Act, the Minister may exclude from grant assistance, the expenditure by the board for legal fees payable and fines and damage awards imposed in respect of such conviction or contravention.

7. - (1) The calculation and payment to a board of the legislative grant for the year 1994 shall be made in accordance with the Regulation.

(2) The legislative grant payable under this Regulation shall be paid in the number of instalments and at the times designated by the Minister.

(3) The legislative grant payable under this Regulation shall be paid on an estimated basis during 1994 and such adjustments as may be necessary shall be made when the actual financial data and average daily enrolments are available.

(4) The legislative grant payable to a board under this Regulation may be reduced in accordance with section 42 of the Social Contract Act in a manner and at the times designated by the Minister.

(5) Where the portion of the moneys appropriated by the legislature for legislative grants to boards for the provincial fiscal year 1994-95 that is allocated by the Minister to pay the balance owing under a regulation in respect of legislative grants for a previous year and the instalments payable during the provincial fiscal year 1994-95 under this Regulation except this subsection is more than sufficient or insufficient for such purposes, the Minister may increase or decrease, as the case may be, the total of the legislative grants payable under section 8 by the amount of such surplus or insufficiency by adjusting the mill rates referred to in the definition "MR".

CATEGORY 1 -- BASIC PER PUPIL GRANT

GRANT FOR RECOGNIZED ORDINARY EXPENDITURE

8. A board shall be paid a grant calculated as follows,

$$R.O.E. - (Q \times MR \times E.A.)$$

where,

Q = the quotient, correct to five places of decimals, obtained by dividing R.O.E. by the sum of,

(i) the maximum recognized day school O.E.,

(ii) the amount determined in the definition "maximum recognized day school O.E." in respect of the portion of the formula therein described as

$$(B \times \frac{A}{B + C})$$

(iii) the product of the day school A.D.E. of resident-external pupils of the board, and the sum of \$4,134 in the case of an elementary school pupil or \$5,066 in the case of a secondary school pupil and the amount per pupil that is set out in Column 10 of Table 2 opposite the name of the board in Column 1 of Table 2.

CATEGORY 2 — BOARD SPECIFIC GRANTS

GRANT FOR FRENCH AS A FIRST LANGUAGE

9. A board shall be paid, in respect of schools and classes established under section 289 or 291 of the Act where French is the language of instruction, a grant equal to the eligible sum for French as a first language.

GRANT FOR SMALL SCHOOLS

10. A board shall be paid, in respect of the additional costs to the board of operating small isolated schools, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 2 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR SMALL BOARDS

11. A board shall be paid, in respect of the additional administrative costs of operating a board with a low enrolment, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 3 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR SMALL SECTIONS

12. A board shall be paid, in respect of the additional administrative costs of operating a section with a low enrolment, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 4 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR GOODS AND SERVICES

13. A board shall be paid, in respect of the additional costs to the board of purchasing goods and obtaining services in remote areas, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 5 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR COMPENSATORY EDUCATION

14. A board shall be paid, in respect of the additional costs to the board of providing compensatory education programs and services, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 6 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR DECLINING ENROLMENT

15. A board shall be paid, in respect of declining enrolment, a grant calculated as follows,

$$(A \times B \times C \times D)$$

where,

- A = $\left(\frac{\text{ADE 93}}{\text{ADE 94} + \text{ADE.EB.94}} - 1 \right)$ correct to four places of decimals,
- B = 0.5 if C is less than or equal to 4,000,
= 0.25 if C is greater than or equal to 14,000,
= $0.5 \times \left(1 - \frac{C - 4,000}{20,000} \right)$, correct to two places of decimal, if C is greater than 4,000 but less than 14,000
- C = the sum of the day school A.D.E. of resident-internal pupils of the board and ADE.EB.94,
- D = the sum of \$4,134 for elementary school purposes or \$5,066 for secondary school purposes and the amount per pupil that is set out in Column 10 of Table 2 opposite the name of the board in Column 1 of Table 2,

where,

ADE 94 and ADE 93 mean the average daily enrolment for 1994 and 1993 respectively, calculated under section 2 of Ontario Regulation 89/91 (Calculation of Average Daily Enrolment) as amended and Ontario Regulation .../94 (Calculation of Average Daily Enrolment) that is in respect of resident-internal and non-resident pupils of the board,

ADE.EB.94 means the amount by which ADE 94 was reduced as a result of the transfer of elementary or secondary schools referred to in section 40, or of the elimination by the board of a junior kindergarten or kindergarten, and

where the amount calculated under this section is a negative amount, it shall be zero;

CATEGORY 3 -- PROGRAM SPECIFIC GRANTS

GRANT FOR FRENCH AS A SECOND LANGUAGE

16.- (1) A board shall be paid, in respect of instruction in French in classes established for pupils whose first language is not French, a grant calculated as follows,

$$A - \left(\frac{A}{100 \times B} \times MR1 \times E.A. \right)$$

where,

A = the eligible sum for French as a second language,

B = the sum of,

- (i) the day school A.D.E. of resident-internal pupils of the board, and
- (ii) the day school A.D.E. of non-resident pupils of the board.

(2) Where, in 1994, a board offers for the first time in a secondary school other than a French-language secondary school or a school having a French-language instructional unit, a course for which credit may be granted and in which French is the language of instruction for pupils whose first language is not French, and the course is in a subject other than French or is a special course in the subject of French designed for graduates of an elementary school program of extended or immersion French, the board shall be paid a grant of \$3,374 for each such course except that such grant shall not be paid in respect of a course that increases the total number of such courses in a grade at the school to more than four.

GRANT FOR NATIVE AS A SECOND LANGUAGE

17. - (1) A board shall be paid, in respect of Native as a second language instruction, a grant calculated as follows,

$$A - \left(\frac{A}{100 \times B} \times MR1 \times E.A. \right)$$

where,

A = the eligible sum for Native as a second language,

B = the sum of,

- (i) the day school A.D.E. of resident-internal pupils of the board, and
- (ii) the day school A.D.E. non-resident pupils of the board.

(2) A board, other than a board that operated a Native as a second language program on or before the last school day of September, 1989, shall be paid a grant equal to the product of \$200 and the number of resident-internal and non-resident pupils of the board who on the last school day of September, 1994 are registered in a Native as a second language program operated by the board.

GRANT FOR ADDITIONAL LANGUAGE INSTRUCTION

18. A board shall be paid, in respect of the additional costs to the board of providing language instruction programs in English-language schools or classes for pupils whose first language is not English, or in French-language schools or classes for pupils whose first language is not French, in order that they may take advantage of regular instruction in the school or class, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 7 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR MIXED LANGUAGE SECONDARY SCHOOLS

19. A board shall be paid, in respect of the additional costs to the board of providing courses in the minority language of a mixed language secondary school, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 8 of Table 2 opposite the name of the board in Column 1 of Table 2.

GRANT FOR FULL-DAY KINDERGARTEN

20. A board shall be paid a grant calculated as follows,

$$A - \left(\frac{A}{100 \times B} \times MR2 \times E.A. \right), \text{ or zero if such calculation is negative}$$

where,

A = the eligible sum for full-day kindergarten,

B = the sum of,

- (a) the day school A.D.E. of resident-internal pupils of the board, and
- (b) the day school A.D.E. of non-resident pupils of the board.

GRANT FOR REDUCTION IN CLASS-SIZE IN GRADES 1 AND 2

21. A board shall be paid a grant equal to the sum of,

- (a) the product of 1.5 and the portion of the grant payable to the board that is calculated under clause 21(b) of Ontario Regulation 103/93 (General Legislative Grants), and
- (b) the product of,
 - (i) the number of resident-internal and non-resident pupils of the board who, on the last school day of September, 1994, are enrolled in the primary division in the first two years of the program of studies immediately following kindergarten in a class other than a self-contained class for exceptional pupils,
 - (ii) 0.4, and
 - (iii) the lesser of,
 - a. \$700, and
 - b. $\left(\frac{1}{A} - \frac{1}{28.2} \right) \times \$48,200$, or zero if such calculation is negative

where,

A = the average class-size for pupils enrolled in the primary division in the first two years of the program of studies immediately following kindergarten and is calculated by dividing the number of pupils determined under subclause (i) by the number of regular classroom teachers or portions thereof employed and assigned by the board to teach pupils described under subclause (i), and the calculation so determined is subject to the approval of the Minister.

22. The grant for textbooks has been discontinued.

GRANT FOR RECOGNIZED EXTRAORDINARY EXPENDITURE

23. A board shall be paid a grant calculated as follows,

$$A - \left(\frac{A}{100 \times B} \times MR1 \times E.A. \right)$$

where,

A = R.E.E.,

B = the sum of the day school A.D.E. of resident-internal pupils of the board and the day school A.D.E. of resident-external pupils of the board.

GRANT FOR PUPIL TRANSPORTATION

24. A board shall be paid, in respect of the transportation of pupils, a grant equal to the sum of,

(a) the lesser of,

(i) the recognized expenditure for transportation, and

(ii) the product of,

a. the amount per pupil that is set out in Column 2 of Table 3 opposite the name of the board in Column 1 of Table 3, and

b. the sum of the day school A.D.E. of resident-internal pupils of the board and the day school A.D.E. of resident-external pupils of the board, and

(b) the amount calculated as follows,

$$A - \left(\frac{A}{100 \times B} \times MR2 \times E.A. \right), \text{ or zero if such calculation is negative,}$$

where

A = the excess of recognized expenditure for transportation over the amount calculated in clause (a),

B = the sum of the day school A.D.E. of resident-internal pupils of the board and the day school A.D.E. of resident-external pupils of the board,

GRANT FOR TECHNICAL EDUCATION

25. A board shall be paid, in respect of the additional costs to the board of providing technical education programs and services, a grant equal to the product of the day school A.D.E. of resident-internal pupils of the board and the amount per pupil that is set out in Column 9 of Table 2 opposite the name of the board in Column 1 of Table 2.

**GRANTS FOR PROGRAMS IN LIEU OF PROVINCIAL SERVICES
FOR BLIND, DEAF, OR DEAF-BLIND PUPILS**

26.- (1) Where a board provides in its schools a special education program in lieu of an education program provided in a provincial school for blind, deaf or deaf-blind pupils or other program approved by the Minister, the board, subject to the approval of the Minister, shall be paid a grant equal to the product of,

- (a) the sum of the number of teachers approved by the Minister and one half of the number of teacher assistants approved by the Minister employed by the board for the purpose of providing such a special education program, and
- (b) \$48,200 in the case of a program for elementary school pupils or \$55,400 in the case of a program for secondary school pupils.

(2) Subject to the approval of the Minister, where a board employs a qualified interpreter to assist an exceptional pupil who is otherwise admissible to a provincial school and who is identified by the board's identification placement and review committee, established under O. Reg. 554/81, as deaf or hard-of-hearing or employs a qualified transcriber to assist the teacher of an exceptional pupil who is identified by the board's identification placement and review committee as blind, the board shall be paid a grant calculated as follows:

$$A - \left(\frac{A}{100 \times B} \times MR2 \times E.A. \right), \text{ or zero if such calculation is negative}$$

where,

A = the sum of,

- (a) the number of interpreters approved by the Minister multiplied by \$34,000, and
- (b) number of transcribers approved by the Minister multiplied by \$28,000.

B = the sum of,

- (a) the day school A.D.E. of resident-internal pupils of the board, and
- (b) the day school A.D.E. of non-resident pupils of the board.

**GRANTS FOR EDUCATION PROGRAMS IN CARE, TREATMENT
AND CORRECTIONAL FACILITIES**

27. - (1) Where a board employs a teacher to provide an educational program in,

- (a) a psychiatric facility,
- (b) an approved charitable institution as defined in the Charitable Institutions Act;
- (c) an agency approved under subsection 8(1) of Part I (Flexible Services) of the Child and Family Services Act;
- (d) an approved home as defined in the Homes for Retarded Persons Act;
- (e) a place of temporary detention, open custody or secure custody continued or established under section 89 of Part IV (Young Offenders) of the Child and Family Services Act;
- (f) a home for special care approved or licensed under the Homes for Special Care Act;
- (g) a Crippled Children's Treatment Centre classified as a Group K Hospital under the Public Hospitals Act;
- (h) The Hospital for Sick Children, Toronto;
- (i) The Children's Hospital of Eastern Ontario, Ottawa;
- (j) Bloorview Children's Hospital, Toronto;
- (k) Children's Hospital of Western Ontario, London;
- (l) Lyndhurst Hospital, Toronto;
- (m) a hospital in which an education program is discontinued subsequent to December, 1980 as a result of dissolution of a board established under section 68 of the Act;
- (n) a nursing home approved or licensed under the Nursing Homes Act,
- (o) a correctional institution as defined in the Ministry of Correctional Services Act;
- (p) a place of secure or open custody designated under section 24 of the Young Offenders Act (Canada) or place of temporary detention designated under subsection 7(1) of that Act.

that is situated within the area of jurisdiction of the board and in which no education program is provided by the Ministry and the Minister approves such education program, the board shall be paid a grant equal to,

- (q) the expenditure in 1994 for salary and related employee benefits of the teacher and an additional amount not in excess of \$2,500 per teacher in respect of the expenditure of the board for administrative, consultative and supervisory services, for replacement of furniture and equipment and for the purchase of instructional supplies in respect of such program, and
- (r) expenditure in 1994 for salary and related employee benefits of a teacher-aide to assist a teacher in the provision of such educational program and an additional amount not in excess of \$1,220 for each such teacher-aide.

(2) The approval of the Minister referred to in subsection (1) shall be given only where the board has entered into a written agreement with the facility, home or institution, or the administrator thereof, setting out the responsibilities of the facility, home or institution for the provision of accommodation and the responsibilities of the board for the provision of the education program, including the number of teachers that the board agrees to provide.

(3) Where a board referred to in subsection (1) incurs an expenditure for furniture or equipment or both for a classroom for an education program referred to in subsection (1), the board shall be paid a grant equal to the approved portion of such expenditure, except that the grant in respect of furniture and equipment for the classroom shall in no case exceed \$3,300.

(4) Where a board enters into a written agreement with a facility or hospital referred to in subsection (1), or with the administrator of such facility, to provide an educational program that was previously provided in the facility or hospital by the Ministry and the Minister approves such education program, the Minister may pay the board, in lieu of other grants payable under this Regulation in respect of the program, an amount equal to the operating cost that is approved by the Minister for the program.

GRANT FOR SUMMER SCHOOL FOR SECONDARY SCHOOL PUPILS AND CONTINUING EDUCATION

28. A board shall be paid a grant equal to the greater of,

(a) the product of,

(i) \$2,257, and

(ii) the sum of the continuing education A.D.E. for grant purposes for the board and the portion of the summer school A.D.E. for grant purposes that is in respect of secondary school pupils of the board, and

(b) the product of,

(i) \$4,134 in the case of elementary school pupils other than elementary school pupils enrolled in courses for which credit or credit equivalency is granted in the intermediate division or \$5,066 in the case of secondary school pupils or elementary school pupils enrolled in courses for which credit or credit equivalency is granted in the intermediate division,

(ii) the quotient obtained by dividing the grant payable to the board under section 8 by the R.O.E., and

(iii) the sum calculated in subclause (a)(ii).

GRANT FOR HERITAGE LANGUAGE

29. Where a board conducts classes for heritage language instruction in a language other than English or French that are approved by the Minister, the board shall be paid a grant in respect of each such class that is equal to the product of \$41 and the number of hours of classroom instruction except that where the quotient obtained by dividing the number of elementary school pupils enrolled in all such classes conducted by the board by the number of such classes is less than 25, the \$41 per hour rate is reduced by the product of \$1.00 and the difference between such quotient and 25.

**ASSISTANCE FOR COST OF EDUCATION AND FOR BOARD,
LODGING AND TRANSPORTATION**

30. - (1) For the purpose of sections 31 to 38 inclusive,

- (a) "cost of education" means an amount equal to the fee calculated under sections 3 or 4, as the case requires, of Ontario Regulation /94, (Calculation of Fees for Pupils);
- (b) "Crown establishment" means an establishment maintained by a Department of the Government of Canada, a Crown company, The Royal Canadian Mounted Police or Atomic Energy of Canada Limited, on lands held by the Crown in right of Canada that are not assessable for school purposes, and includes a reserve as defined in the Indian Act (Canada);
- (c) "Ontario Government establishment" means an establishment maintained by a Ministry of the Government of Ontario on lands held by the Crown in right of Ontario or an establishment maintained by Ontario Hydro on lands held by it and in respect of which no payment attributable to elementary or secondary school purposes is made under the provisions of subsection 52(9) of the Power Corporation Act.

(2) For the purposes of sections 31 to 38 inclusive, a person shall be considered not to reside in an Ontario Government establishment where the person resides in a residence owned by the person on lands that are within the Ontario Government establishment.

31. Where a pupil who is not resident in a Crown Establishment resides in a territorial district on land that is not part of a,

- (a) school section and the pupil attends a public school,
- (b) school section or separate school zone and the pupil attends a separate school, or
- (c) secondary school district and the pupil attends a secondary school

operated by a board, the Minister shall pay the board the cost of education of the pupil.

32. Where a pupil, whose parent or guardian resides on land that is not rateable for school purposes, resides in an Ontario Government establishment and attends a school operated by a board, the Minister shall pay the board the cost of education of the pupil.

33. Where a pupil,

- (a) who is resident within,
 - (i) a psychiatric facility,
 - (ii) an approved charitable institution as defined in the Charitable Institutions Act,
 - (iii) an agency approved under subsection 8(1) of Part I (Flexible Services) of the Child and Family Services Act;
 - (iv) an approved home as defined in the Homes for Retarded Persons Act,
 - (v) a home for special care approved or licensed under the Homes for Special Care Act,

- (vi) a nursing home approved or licensed under the Nursing Homes Act, or
- (vii) a place of secure custody or open custody designated under section 24 of the Young Offenders Act (Canada) or place of temporary detention designated under subsection 7(1) of that Act;
- (b) who is detained in a place of temporary detention, open custody or secure custody continued or established under section 89 of Part IV (Young Offenders) of the Child and Family Services Act;
- (c) who is detained in a correctional institution as defined in the Ministry of Correctional Services Act;
- (d) who is placed in an approved home as defined in the Mental Hospitals Act; or
- (e) who is a ward of the Crown under Part III (Child Protection) of the Child and Family Service Act, a ward of a children's aid society or in the care of a children's aid society and who has not been placed for adoption on a probationary basis,

attends a day school operated by a board and the pupil is registered as a non-resident pupil in respect of whom no fee is receivable from Canada under an agreement made pursuant to section 187 or 188 of the Act the Minister shall pay the board the cost of education of the pupil.

34. Where a board provides transportation to and from school or from school to school for a pupil for whom the Minister pays the cost of education, the Minister shall pay the board an amount equal to the amount that would be approved by the Minister for grant purposes for transportation if the pupil were a resident pupil of the board.

35. Where under subsection 76(3), 190(9) or (12) of the Act, a board reimburses a parent or guardian of a pupil for whom the Minister pays the cost of education for the cost of board and lodging and transportation once a week from the pupil's residence to school and return, the Minister shall pay the board an amount approved by the Minister for grant purposes of the expenditure in respect of the pupil for board, lodging and transportation.

PAYMENTS TO GOVERNING AUTHORITIES

36. Where a pupil, who is not a resident in a Crown Establishment attends a school supported by local taxation in Manitoba or Quebec, and the pupil resides in a territorial district on land that is not part of,

- (a) a school section or separate school zone and the pupil attends an elementary school, or
- (b) a secondary school district and the pupil attends a secondary school,

the Minister shall pay the governing authorities of the school the amount agreed upon between the governing authorities of the school and the Minister.

37. Where a pupil,

- (a) resides in a territorial district;
- (b) is resident in a school section, a separate school zone or a Crown establishment; and

- (c) attends an elementary school that is supported by taxation in Manitoba or Quebec,

and, where in the opinion of the Minister,

- (d) daily transportation to the elementary school that the pupil would be required to attend in Ontario is impracticable due to distance and terrain, and
- (e) the provision of board, lodging and transportation once a week is impracticable because of the age or handicap of the pupil,

the Minister shall pay the governing authorities of the elementary school in respect of the education and related costs of such pupil amounts agreed upon between the governing authorities of the elementary school and the Minister.

38. Where a pupil,

- (a) resides in a territorial district;
- (b) is not resident in a school section, a separate school zone or a Crown establishment; and
- (c) attends a school operated by the Indian Affairs Branch of the Department of Indian Affairs and Northern Development on a reserve,

the Minister shall pay the Crown in right of Canada in respect of the education of such pupil an amount agreed upon between the Department of Indian Affairs and Northern Development and the Minister.

ASSISTANCE FOR OPEN-ACCESS TUITION FEES

39.- (1) A board other than a board referred to in subsection (2) shall be paid a grant equal to the sum of the amounts that are determined in respect of each of the boards with which the board has substantially the same or part of the same area of jurisdiction, calculated as follows,

$$A \times (B - D)$$

where A and B have the same meaning as in clause (b) of the definition "recognized tuition fees", and where,

D = the greater of,

- (i) the amount referred to as C in clause (b) of the definition "recognized tuition fees", and
- (ii) the tuition fee that would be charged by the board for a non-resident pupil of the board as determined under clause 3(1)(a) of Ontario Regulation /94 (Calculation of Fees for Pupils),

and where the amount is negative, it shall be zero.

(2) A Roman Catholic school board to which subsection 129(4) of the Act applies shall be paid a grant equal to the sum of the amounts that are determined in respect of each of the public boards with which the board has substantially the same or part of the same area of jurisdiction, calculated as follows,

$$A \times (B - C) \times \frac{(1 - E)}{F}$$

where A, B, and C have the same meaning as in clause (b) of the definition "recognized tuition fees", and where,

- E = the quotient obtained by dividing the E.A. for the Roman Catholic school board by the day school A.D.E. of resident-external pupils of the Roman Catholic school board, and
- F = the quotient obtained by dividing the E.A. for the public board with which the Roman Catholic school board has substantially the same or part of the same area of jurisdiction by the sum of the day school A.D.E. of resident-internal pupils and the day school A.D.E. of resident-external pupils of the public board.

ASSISTANCE FOR EN BLOC TRANSFER

40. (1) A public board set out in Column 1 of Table 4 shall be paid a grant set out opposite in Column 3 of Table 4 in respect of the transfer, as an entire educational program, of one or more secondary schools operated by the public board to a Roman Catholic school board, by agreement between the two boards and the transfer is approved by the Minister, to assist the public board in offsetting operating costs in respect of employee salaries and benefits and administrative and other expenditures that are related to the operation of the school or schools and that could not be transferred to the Roman Catholic school board.

(2) The conseil des écoles séparées catholiques de langue française de Prescott-Russell shall be paid a grant set out in Columns 2 and 3 of Table 4 opposite the name of the board in Column 1 of Table 4 to assist in offsetting operating costs assumed by the conseil and which, prior to January 1, 1992 were related to the operations of the English-language schools of the Prescott and Russell County Roman Catholic Separate School Board.

(3) The Middlesex County Board of Education shall be paid a grant set out in Columns 2 and 3 of Table 4 opposite the name of the board in Column 1 of Table 4 in respect of the transfer, as an entire educational program, of one or more schools to the London Board of Education for the City of London by agreement between the two boards and the transfer is approved by the Minister, to assist in offsetting operating costs in respect of employee salaries and benefits and administrative and other expenditures that related to the operation of the school or schools and that could not be transferred to the London Board of Education.

SECONDARY SCHOOL REORGANIZATION GRANT

41. Where on or after the first day of January 1990, as a result of the reorganization of a French-English mixed secondary language school operated by the board prior to September 1, 1985, a board establishes a French-language secondary school under section 291 of the Act, a grant, subject to the approval of the Minister, is payable to the board as follows,

- (a) where such school commenced operation in 1990, 1991, or 1992,
 - (i) \$485 per day school pupil enrolled at the school on the last day in September of 1994 where such enrolment is 100 or fewer; or
 - (ii) the lesser of \$60,700 and the amount of \$42,400 plus \$61 per day school pupil enrolled at the school on the last day in September of 1994 where such enrolment is greater than 100,

- (b) where such school commenced operation in 1993,
 - (i) \$970 per day school pupil enrolled at the school on the last day in September of 1994 where such enrolment is 100 or fewer; or
 - (ii) the lesser of \$121,400 and the amount of \$84,800 plus \$122 per day school pupil enrolled at the school on the last day in September of 1994 where such enrolment is greater than 100, and
- (c) where such school commences operation in 1994,
 - (i) \$1,455 per day school pupil enrolled at the school on the last day in September 1994 where such enrolment is 100 or fewer, or
 - (ii) the lesser of \$182,100 and the amount of \$127,200 plus \$183 per day school pupil enrolled at the school on the last day in September 1994 where such enrolment is greater than 100.

ADJUSTMENT IN RESPECT OF CHANGE IN TAX REVENUE

42. For the purpose of this section and section 43,

- (a) "equalized assessment for a board for 1993" means equalized assessment for a board as defined in Ontario Regulation 103/93 (General Legislative Grants) except that equivalent assessment for a municipality or locality shall be calculated using the rate levied in 1993 rather than the rate levied in 1992;
- (b) "change in taxation for 1993" for a board is the amount calculated as follows,

$$\frac{A - B}{A} \times C$$

where,

A = the equalized assessment for the board for 1993 that is calculated using, for each organized municipality within the jurisdiction of the board,

I. the assessment for 1993,

II. the tax levied under subsections 159(12) and (13) of the Municipal Act that is allocated or paid to the board in 1993, and

III. the payment in lieu of taxes for 1993 payable to the board,

as shown in the audited financial report of such municipality for 1993,

B = the equalized assessment for the board for 1993,

C = the amounts the board requisitioned on, or levied or caused to be levied in, the municipalities and localities within the jurisdiction of the board,

and the amount calculated may be a positive or negative amount;

- (c) "net adjustment in tax revenue" in respect of a board is calculated as follows,

$$C - B - A$$

where,

- A = the change in taxation for 1993 for the board,
B = taxes receivable in 1993 under section 35 of the Assessment Act,
C = amounts charged to the board by a municipality in 1993 under section 421 of the Municipal Act,

and the amount calculated may be a positive or negative amount; and

- (d) "net expenditure for 1993" means, in respect of a board, the excess of,

- (i) the sum of the current expenditure for 1993, amounts provided in 1993 for reserves and reserve funds, and tax adjustments charged to the board in 1993,

over,

- (ii) current revenue for 1993 including transfers in such year from reserves and other funds and excluding current revenue from taxes, subscriptions in lieu of taxes, payments in lieu of taxes and trailer fees;

- (e) "net recognized expenditure for 1993" means the excess of the sum of R.O.E., R.E.E., expenditure approved for capital project grants, recognized expenditure for transportation, the eligible sum for full-day kindergarten, the eligible sum for French as a second language and the eligible sum for Native as a second language as defined in section 1 of Ontario Regulation 103/93 (General Legislative Grants), taxes receivable in 1993 under section 35 of the Assessment Act, and amounts charged to the board by a municipality in 1993 under section 421 of the Municipal Act over the sum of grants payable under Sections 8, 20, 23, 24 and 51 and subsections 16(1) and 17(1) of such Regulation, as adjusted under Section 43 thereof.

43. In respect of a board an amount calculated as follows;

$$A \times \frac{B}{C}$$

where,

- A = the net adjustment in the tax revenue for the board determined under clause 42 (c),
B = the net recognized expenditure for 1993 for the board determined under clause 42 (e), and
C = the net expenditure for 1993 for the board determined under clause 42 (d),

shall,

- (a) where the calculation results in a positive amount, be added to the grants payable to the board; and
(b) where the calculation results in a negative amount, be deducted from the grants payable to the board.

ASSISTANCE IN RESPECT OF DEBENTURES

44. A board shall be paid a grant equal to the sum of,

- (a) the portion acceptable to the Minister in respect of expenditure for debt charges on debentures issued by the board, or on its behalf, on a secondary school building that is being used jointly by a public board and a Roman Catholic school board, and
- (b) the lesser of the amounts determined by the following calculations:
 - (i) $A - (0.000097 \times E.A.)$, or zero if such calculation is negative, and
 - (ii) $A - \left(\frac{A}{B \times 25} \times MR1 \times E.A. \right)$, or zero if such calculation is negative,

where,

$$A = A^1 + A^2 - A^3 - A^4$$

- A^1 = the portion acceptable to the Minister in respect of expenditure for debt charges on debentures issued by the board, or on its behalf, prior to the first day of April, 1980 that is not approved by the Minister for inclusion in R.E.E.,
- A^2 = in the case of a Roman Catholic school board, the portion acceptable to the Minister in respect of payments made to a public board or a diocese in respect of debt charges on debentures related to a lease or purchase of a school building,
- A^3 = the portion of the debt charges included in A^1 that is in respect of debt charges described in clause (a),
- A^4 = in the case of a public board, the portion acceptable to the Minister in respect of payments received from a Roman Catholic school board in respect of debt charges on debentures related to a lease or purchase of a school building,
- B = day school A.D.E. of resident-internal pupils of the board.

SPECIAL COMPENSATION FOR POOLING

45. A public board set out in Column 1 of Table 1 shall be paid a grant in the amount set out opposite in Column 2 of Table 1 in respect of the assessment and tax adjustments effected by Ontario Regulation 123/92 and Ontario Regulation 124/92.

GRANT FOR AN ISOLATE BOARD

46. For the purpose of section 47,

- (a) "local taxation for grant purposes" means, the sum of,
 - (i) the payment in lieu of taxes receivable by the isolate board,
 - (ii) the portion of tax levied under subsections 159(12) and (13) of the Municipal Act that is allocated or paid to the isolate board, and

(iii) the sum of the products obtained by multiplying, for each municipality or locality within the area of jurisdiction of the isolate board,

- a. the quotient obtained by dividing the product of 100 and the assessment by the A.E.F. for grant purposes, and
- b. 0.006178 for elementary school purposes, or 0.004964 for secondary school purposes,

except where the municipality or locality is within the area of jurisdiction of a divisional board of education or a district or county combined separate school board, in which case the amount determined for the municipality or locality for the purpose of this subclause shall be the product of the assessment for the municipality or locality, 0.001 and the mill rate levied on residential property in the municipality or locality for elementary or secondary school purposes as the case may be in respect of such divisional board or district or county separate school board;

- (b) "net expenditure" means, the positive or negative sum obtained by adding the isolate board's social contract target to the isolate board's expenditure that is acceptable to the Minister, and subtracting an amount that is acceptable to the Minister as revenue of the isolate board from grant payable under sections 31 to 35 inclusive and from sources other than local taxation and legislative grants.

47. - (1) Where, in respect of an isolate board except an isolate board referred to in subsection (3), the net expenditure exceeds the local taxation for grant purposes a grant equal to such excess shall be paid to the isolate board.

(2) Where, in respect of an isolate board except an isolate board referred to in subsection (3) the local taxation for grant purposes exceeds the net expenditure, a portion of the legislative grants paid to the isolate board in previous years equal to such excess shall be paid by the isolate board to the Province of Ontario.

(3) Where in the year 1994,

- (a) a district school area board is elected for a new district school area, a secondary school board is formed for a new secondary school district or a separate school board is elected for a new separate school zone;
- (b) information respecting the totals of the commercial assessment and of the residential and farm assessment rateable for public school purposes in the district school area, for secondary school purposes in the secondary school district or for separate school purposes in the separate school zone, as the case may be, is not available prior to the 1st day of July; and
- (c) such isolate board commences to operate a school on or after the 1st day of July or enters into an agreement with another board for the education in such year of its resident pupils,

the isolate board shall be paid a grant equal to its net expenditure.

GRANT FOR A BOARD ON TAX EXEMPT LAND

48. For the purposes of sections 49 and 50, "cost of operating" means the sum of,

- (a) the current expenditure that is acceptable to the Minister for grant purposes excluding expenditure for debt charges, capital appurtenances, restoration of destroyed and damaged capital appurtenances, capital element included in rent, provision for a reserve for working funds, provisions for reserve funds and P.A.C. for resident-external pupils, and
- (b) the social contract target,

less the sum of

- (c) current revenue from sources other than from,
 - (i) legislative grants,
 - (ii) the organization for which the board was established, and
 - (iii) refunds of expenditure, no part of which is eligible for grant; and
- (d) the excess of current expenditure for,
 - (i) transportation of pupils, and
 - (ii) board, lodging and weekly transportation of pupils,over, in each case, the amount approved by the Minister for such purpose.

49. A board that is appointed under section 68 of the Act, other than a board that operates a school in a sanatorium, a hospital, a crippled children's treatment centre or a centre for the treatment of cerebral palsy, shall be paid a grant of fifty per cent of the lesser of,

- (a) the board's cost of operating; and
- (b) the sum of,
 - (i) the product of \$4,134 in the case of an elementary school pupil or \$5,066 in the case of a secondary school pupil and the sum of,
 - a. the average daily enrolment calculated under section 2 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment),
 - b. the continuing education A.D.E. for grant purposes, and
 - c. the average daily enrolment calculated under section 3 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) that is in respect of enrolment of pupils of the board in summer schools conducted by the board in a course for which one or more credits or credit equivalents may be granted or in a course for the developmentally delayed, and the course is approved by the Minister for grant purposes,

- (ii) the tuition fees payable by the board, and
- (iii) the portion approved by the Minister for grant purposes of the board's expenditure for the transportation of pupils.

50. A board that is appointed under section 68 of the Act and that operates a school in a sanatorium, a hospital, a crippled children's treatment centre or a centre for the treatment of cerebral palsy shall be paid a grant of,

- (a) 80 per cent of the salaries of teachers and temporary teachers for the current year;
- (b) 80 per cent of the excess of,
 - (i) expenditure for the current year approved by the Minister for grant purposes for transportation of pupils, and board, lodging and weekly transportation of pupils,over,
 - (ii) the general legislative grants payable under sections 34 and 35, and
- (c) 50 per cent of the excess of,
 - (i) the sum of the cost of operating for the current year and the revenue for the current year referred to in clause 48 (b),over,
 - (ii) expenditure for the current year for,
 - a. salaries of teachers and temporary teachers,
 - b. transportation of pupils, and
 - c. board, lodging and weekly transportation of pupils.

CATEGORY 4 - CAPITAL PROJECT GRANT

CAPITAL PROJECT GRANT

51. - A board shall be paid a grant equal to the amounts required by the board to meet the principal and interest payments payable in 1994 on debentures issued by the board and given to the Ontario Financing Authority under the loan agreement made on the 31st day of March, 1994 between the Ontario Financing Authority, the board and Her Majesty the Queen in Right of Ontario as represented by the Minister of Education and Training.

Calculation of Average Daily Enrolment

Made under the Education Act
O. Reg /94

REGULATION MADE UNDER THE
EDUCATION ACT

CALCULATION OF AVERAGE DAILY ENROLMENT

1. In this Regulation,

"cycle" means the number of school days for which a schedule of classes in a school continues before the schedule is repeated;

"full-time pupil" means a pupil who,

- (a) is enrolled in day school other than in junior kindergarten or kindergarten; and
- (b) in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day;

"half-time pupil" means a pupil who,

- (a) is enrolled in junior kindergarten or kindergarten; and
- (b) in respect of a cycle, is registered for classroom instruction for an average of at least 150 minutes per school day;

"independent study course" means a credit course that is provided to a pupil other than a full-time pupil in whole or, at the option of a board, in part through a non-classroom instructional mode of delivery;

"part-time pupil" means a pupil who is enrolled in day school and is neither a full-time nor a half-time pupil.

2. Day school average daily enrolment for a board for a year is the sum of,

- (a) the product of 0.5 and the sum of,

- (i) the number of full-time pupils enrolled on the last school day in February in the year and 0.5 times the number of half-time pupils enrolled on that day, and
 - (ii) the quotient obtained by determining, for each part-time pupil enrolled on the last school day in February in the year, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day in a course other than an independent study course and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle;
- (b) the product of 0.4 and the sum of,
- (i) the number of full-time pupils enrolled on the last school day in September in the year and 0.5 times the number of half-time pupils enrolled on that day, and
 - (ii) the quotient obtained by determining, for each part-time pupil enrolled on the last school day in September in the year, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day in a course other than an independent study course and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle;
- (c) the product of 0.1 and the sum of,
- (i) the number of full-time pupils enrolled on the last school day in September in the previous year and 0.5 times the number of half-time pupils enrolled on that day, and
 - (ii) the quotient obtained by determining, for each part-time pupil enrolled on the last school day in September in the previous year, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day in a course other than an independent study course and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle; and
- (d) an amount in respect of each pupil who is enrolled during the year in an independent study course that

meets the criteria established by the Minister for inclusion in the determination of day school enrolment, calculated as follows:

$$\frac{A}{7.5} \times B$$

where,

A = the number of credits or the portion of a credit that may be earned by the pupil upon successful completion of the course,

B = the decimal fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the periods from January 1 to June 30 and September 1 to December 31 in the year.

3. Continuing education average daily enrolment for a board for a year is the sum of,

- (a) an amount in respect of each pupil who is enrolled during the year in a continuing education class or course established by the board, other than an independent study course, calculated as follows:

$$\frac{A \times B}{300 \times C}$$

where,

A = the number of sessions for which the pupil is enrolled in the year,

B = the number of minutes in each session,

C = the number of school days in the year; and

- (b) an amount in respect of each pupil who is enrolled during the year in an independent study course that does not meet the criteria established by the Minister for inclusion in the determination of day school enrolment, calculated as follows:

$$A \times .1134 \times B$$

where,

A = the number of credits or the portion of a credit that may be earned by the pupil upon successful completion of the course,

B = the decimal fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the year.

4. This Regulation applies in respect of the year 1994 and succeeding years.

5. (1) Ontario Regulations 89/91 and 22/94 are revoked.

(2) Despite the revocation of Ontario Regulations 89/91 and 22/94, Ontario Regulation 89/91, as amended by Ontario Regulation 22/94, continues to apply in respect of the years 1991, 1992 and 1993.



Minister of Education and Training

Dated at Toronto on *April 11*, 1994.

Calculation of Fees for Pupils, 1994

Made under the Education Act
O. Reg /94

REGULATION MADE UNDER THE
EDUCATION ACT

CALCULATION OF FEES FOR PUPILS - 1994

1. In this Regulation,

"A.D.E." means average daily enrolment for 1994 calculated under Ontario Regulation .../94 (Calculation of Average Daily Enrolment);

"current cost of operating", "elementary school pupil", "eligible sum for French as a first language", "eligible sum for French as a second language", "eligible sum for Native as a second language", "eligible sum for full-day kindergarten", "non-resident pupil", "O.E.", "P.A.C.", "R.O.E.", "resident-internal pupil" and "secondary school pupil" have the same meaning as in Ontario Regulation .../94 (General Legislative Grants, 1994) except that,

- (a) in respect of a board appointed under section 68 of the Act, "current cost of operating" does not include current expenditure for furniture and equipment and for debt charges, and
- (b) if a board has entered into an agreement under subsection 188(3) of the Act that provides for a payment by the Crown in right of Canada to provide classroom accommodation for a specified number of pupils, the P.A.C. for each such pupil shall be zero;

"high cost program" means,

- (a) a special education program, other than a program provided in the board's school in lieu of an education program provided by a provincial school for the blind and the deaf or other similar program for which a general legislative grant is payable, or
- (b) a program that includes technological studies that qualify for one or more credits toward the secondary

school graduation diploma or Ontario secondary school diploma;

"technological studies" means the courses developed from curriculum guidelines that are issued by the Minister for the intermediate division and senior division and listed under the heading "Technological Studies" in the circular entitled "Ontario Schools Intermediate and Senior Divisions Program and Diploma Requirements" issued by the Minister.

2.-(1) This Regulation applies to fees for pupils in respect of the year 1994.

(2) The fees under this Regulation shall be calculated separately for elementary school purposes and for secondary school purposes.

Fees Charged To Boards

3.-(1) Except as provided in section 4, the fee in respect of a pupil whose fee is receivable from another board, from Canada or from a band, council of a band or education authority authorized by the Crown in right of Canada to provide education for Indians and the fee in respect of a pupil to whom subsection 49(6) of the Act applies, shall be calculated by,

(a) subtracting from the current cost of operating of the board that provides the instruction, the grants payable to the board in respect of the eligible sum for French as a first language, the eligible sum for French as a second language, the eligible sum for Native as a second language, the eligible sum for full-day kindergarten, and the reduction in class-size in grades 1 and 2 as determined under section 21 of Ontario Regulation .../94 (General Legislative Grants, 1994) and dividing the difference so obtained by the sum of,

- (i) the average daily enrolment that is calculated under section 2 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) in respect of resident-internal and non-resident pupils of the board, and
- (ii) the average daily enrolment that is calculated under section 3 of Ontario Regulation .../94 (Calculation of Average Daily Enrolment) in respect of resident-internal and non-resident pupils of the board enrolled in summer schools established by the board in a course of

study for the developmentally delayed that is approved by the Minister for grant purposes; and

(b) multiplying the A.D.E. of the pupil to whom subsection 49(6) of the Act applies or the A.D.E. of the pupil whose fee is receivable from another board, from Canada or from a band, council of a band or education authority, as the case may be, by the sum of,

(i) the amount determined under clause (a), and

(ii) the P.A.C. for such pupil.

(2) Subclause (1)(b)(ii) does not apply to a board that is appointed under section 68 of the Act.

(3) The fee in respect of a pupil referred to in subsection (1) who is enrolled in a Native language program and whose fee is receivable from Canada or from a band, council of a band or education authority authorized by the Crown in right of Canada to provide education for Indians may be increased by an amount equal to the portion of the eligible sum for Native as a second language that would be generated for such pupil if the pupil were a resident pupil of the board.

(4) The fee in respect of a pupil referred to in subsection (1) who is enrolled in a high cost program may be increased by multiplying the fee by a factor agreed upon by the board providing the instruction and the party from whom the fee is receivable.

(5) If the board providing the instruction and the party from whom the fee is receivable cannot agree upon a factor, the factor shall be determined by three arbitrators.

(6) If the fee is in respect of a pupil for whom the Minister pays the cost of education, the three arbitrators shall be,

(a) one arbitrator appointed by the board that provides the instruction;

(b) one arbitrator appointed by the Minister; and

(c) one arbitrator appointed by the arbitrators appointed under clauses (a) and (b).

(7) In all cases other than a case to which subsection (6) applies, the three arbitrators shall be,

- (a) one arbitrator appointed by the board that provides the instruction;
- (b) one arbitrator appointed by the party from whom the fee is receivable; and
- (c) one arbitrator appointed by the arbitrators appointed under clauses (a) and (b).

(8) The decision of the arbitrators or a majority of them is final and binding upon the board providing the instruction and the party from whom the fee is receivable.

(9) The number of pupils in a high cost program provided by the board in respect of whom the fee receivable by the board from a party may be increased under subsections (4) to (8) shall not exceed the amount obtained by,

- (a) multiplying the A.D.E. of pupils in respect of whom fees are receivable by the board from the party by the ratio of the A.D.E. of pupils registered in the high cost program to the A.D.E. of pupils enrolled in schools operated by the board; and
- (b) subtracting the product obtained in clause (a) from the A.D.E. of pupils registered in the high cost program in respect of whom fees are receivable by the board from the party.

Fees Paid To Section 68 Hospital Boards

4. The fee in respect of a pupil enrolled in a school operated by a board that is appointed under section 68 of the Act in a centre for the treatment of cerebral palsy, a crippled children's treatment centre, a hospital or a sanatorium shall be calculated by,

- (a) adding to the current cost of operating of the board that provides the instruction, the portion approved by the Minister for grant purposes of the expenditure for such year for the transportation of pupils and deducting from the total thereof the general legislative grants payable to the board for such year, except a grant that is equal to the cost of education;
- (b) dividing the amount determined under clause (a) by the sum of the days on which each pupil is enrolled at the school; and

- (c) multiplying the amount determined under clause (b) by the number of days for which the pupil whose fee is being calculated is enrolled at the school.

Fees Charged To Parents Residing in Ontario

5.-(1) The fee charged by a board in respect of a pupil whose parent or guardian is resident in Ontario, other than a pupil whose fee is receivable from another board, from Canada or from a band, council of a band or education authority authorized by the Crown in right of Canada to provide education for Indians, shall not exceed the fee referred to in subsection (3) or (4), as the case requires.

(2) Subsection (1) does not apply to a board that is appointed under section 68 of the Act.

(3) The fee in respect of one or more pupils who reside with their parent or guardian in a school section, separate school zone or secondary school district on land that is exempt from taxation for school purposes shall not exceed,

- (a) \$74 for each month such pupil or pupils are enrolled in an elementary school operated by the board; and
- (b) \$74 for each month such pupil or pupils are enrolled in a secondary school operated by the board.

(4) In the case of a pupil who is qualified to be a resident pupil of a school section, separate school zone or secondary school district, the fee in respect of the pupil shall not exceed, for each month the pupil is enrolled, the greater of,

- (a) \$74; and
- (b) one-tenth of the sum of,
 - (i) the quotient obtained by dividing,
 - (A) the board's estimate of the excess of its O.E. for the year over its R.O.E.,
 by,
 - (B) the A.D.E. of the board for the year that is in respect of resident-internal and resident-external pupils of the board, and
 - (ii) the P.A.C.

(5) If a pupil is enrolled in a high cost program, the amount calculated under subsection (4) may be increased by an amount that does not exceed the additional cost to the board of providing the high cost program to the pupil.

Fees Charged to Parents Not Residing in Ontario

6.-(1) The fee in respect of a pupil whose parent or guardian does not reside in Ontario shall be such fee as the board providing the instruction to the pupil may determine and, except as is provided in subsection (3), shall not exceed the product obtained by multiplying one-tenth of the sum of the quotient determined under clause 3(1)(a) and the P.A.C. for the pupil by the number of months during which the pupil is enrolled in such year in a school operated by the board.

(2) Subsection (1) does not apply to a pupil to whom subsection 49(6) of the Act applies.

(3) The fee in respect of a pupil referred to in subsection (1) who is enrolled in a high cost program shall be increased by an amount that does not exceed the additional cost to the board of providing the high cost program to the pupil.

Fees For Programs In Facilities

7.-(1) The fee charged by a board in respect of a pupil who is not qualified to be a resident pupil of the board and for whom an educational program is provided in a hospital or treatment centre shall be such fee as may be agreed upon between the board that provides the program and,

- (a) the board of which the pupil is qualified to be a resident pupil; or
- (b) if the pupil is not qualified to be a resident pupil of a board, the parent or guardian of the pupil.

(2) Subsection (1) does not apply to a board that provides the educational program if the board,

- (a) is appointed under section 68 of the Act; or
- (b) receives a grant under section 27 of Ontario Regulation .../94 (General Legislative Grants, 1994) with respect to that educational program.



Minister of Education and Training

Dated at Toronto on April 11, 1994.

Apportionment 1994 Requisitions

Made under the Education Act
O. Reg /94

REGULATION MADE UNDER THE
EDUCATION ACT

APPORTIONMENT 1994 REQUISITIONS

1. (1) In this Regulation,

"apportionable sum required by a divisional board for elementary school purposes for 1994" means the excess of the total estimated expenditure of the board for elementary school purposes for 1994 exclusive of,

- (a) allowances and provisions for differences between the sum that the board requisitioned and the sum that the board ought to have requisitioned in a previous year for elementary school purposes from a local municipality in the school division, and
- (b) the portion charged to elementary school purposes of any expenditures incurred by the board in performing the duties of a municipal council,

over the sum of the estimated revenues of the board for elementary school purposes for 1994 from sources other than local taxation and the amount in the reserve established under subsection 237(2) of the Act for elementary school purposes;

"apportionable sum required by a divisional board for secondary school purposes for 1994" means the excess of the total estimated expenditure of the board for secondary school purposes for 1994 exclusive of,

- (a) allowances and provisions for differences between the sum that the board requisitioned and the sum that the board ought to have requisitioned in a previous year for secondary school purposes from a local municipality in the school division, and

- (b) the portion charged to secondary school purposes of any expenditures incurred by the board in performing the duties of a municipal council,

over the sum of the estimated revenue of the board for secondary school purposes for 1994 from sources other than local taxation and the amount in the reserve established under subsection 237(2) of the Act for secondary school purposes;

"A.E.F for apportionment purposes for 1994" for a municipality or locality, means the assessment equalization factor provided by the Minister for 1994;

"assessment", has the same meaning as in Ontario Regulation .../94 (General Legislative Grants, 1994);

"equalized assessment for a municipality or locality" means the quotient obtained by dividing the product of 100 and the assessment for the municipality or locality by the A.E.F. for apportionment purposes for 1994 for the municipality or locality;

"local taxation" means taxes levied by a municipality or a board for elementary or secondary school purposes as the case may be, exclusive of taxes paid over under section 35 of the Assessment Act and taxes levied under section 159 of the Municipal Act;

"payment in lieu of taxes for 1994" means, in respect of a municipality, the sum of the amounts payable by the municipality to the board for 1994 for elementary school purposes or for secondary school purposes, as the case may be, under subsection 7(10) of the *Housing Development Act*, under subsection 445(4) of the *Municipal Act*, under subsection 52(9) of the *Power Corporation Act* and under section 2 of the *Municipal and School Board Payments Adjustment Act*.

(2) Clause (a) of the definition "apportionable sum required by a divisional board for elementary school purposes for 1994" in subsection (1) and clause (a) of the definition "apportionable sum required by a divisional board for secondary school purposes for 1994 in that subsection", do not apply in the case of a divisional board or a secondary school board if the area of jurisdiction of the board comprises an area where an assessment update has been carried out under subsection 371(2) of the *Municipal Act*, subsection 135.3(1) of the *Regional Municipalities*

Act, subsection 84.13(1) of the *County of Oxford Act* or subsection 81(1) of the *District Municipality of Muskoka Act*.

2. (1) The apportionable sum required by a divisional board for elementary school purposes for 1994 shall be apportioned among the municipalities and localities in the school division in the ratio, correct to five places of decimals, of the equalized assessment for such municipalities or localities for elementary school purposes to the total equalized assessment of the municipalities and localities for elementary school purposes in the school division.

(2) The amount apportioned to a municipality or locality by a divisional board for elementary school purposes for 1994 shall be the sum of the following amounts adjusted where required under section 237 or subsection 247(2) or (3) of the Act:

1. The amount apportioned under subsection (1) to the municipality or locality.
2. Expenditures applicable to the locality that are incurred for 1994 by the divisional board in performing the duties of a municipal council and that are charged to elementary school purposes.
3. The payment in lieu of taxes for 1994 in respect of the municipality for elementary school purposes.
4. The amount of the tax levied under subsections 159(12) and (13) of the *Municipal Act* allocated or paid by the municipality to the divisional board for 1994 for elementary school purposes.

3. (1) The apportionable sum required by a divisional board for secondary school purposes for 1994 shall be apportioned among the municipalities and localities in the school division in the ratio, correct to five places of decimals, of the equalized assessment for such municipalities or localities for secondary school purposes to the total equalized assessment of the municipalities and localities for secondary school purposes in the school division.

(2) The amount apportioned to a municipality or locality by a divisional board for secondary school purposes for 1994 shall be the sum of the following amounts adjusted where required under section 237 or subsection 247(2) or (3) of the Act:

1. The amount apportioned under subsection (1) to the municipality or locality.

2. Expenditures applicable to the locality that are incurred for 1994 by the divisional board in performing the duties of a municipal council and that are charged to secondary school purposes.
3. The payment in lieu of taxes for 1994 in respect of the municipality for secondary school purposes.
4. The amount of the tax levied under subsections 159(12) and (13) of the *Municipal Act* allocated or paid by the municipality to the divisional board for 1994 for secondary school purposes.

4. (1) If the adjustments required under section 247 of the Act are in respect of a part or parts of a municipality or locality, the divisional board shall provide with its requisition sufficient information in respect of the adjustments to enable the amount required for elementary or secondary school purposes, as the case may be, in respect of the part or parts of the municipality or locality to be determined.

(2) If, for the purpose of a levy in 1994, a municipality is required under any Act to apportion the amount to be raised for municipal purposes among two or more defined areas within the municipality, the amounts requisitioned on the municipality in 1994 by a divisional board for elementary or secondary school purposes, as the case may be, exclusive of payments in lieu of taxes, taxes levied under subsections 159(12) and (13) of the *Municipal Act* allocated or paid by the municipality to the divisional board, and adjustments required under section 247 of the *Education Act* shall, for the purpose of the levy in 1994, be apportioned by the municipality among such defined areas in the ratio, correct to five places of decimals, of the equalized assessments for the defined areas for elementary or secondary school purposes, as the case may be, to the total equalized assessment of the municipality.

(3) For the purposes of subsection (2), the equalized assessment for the defined area shall be deemed to be the sum of,

- (a) the residential and farm assessment within the defined area upon which taxes are levied; and
- (b) the quotient obtained by dividing by .85, the commercial assessment upon which taxes are levied, included in the last revised assessment roll for such defined area used for taxation purposes in 1994, equalized by using the 1979 assessment

equalization factors set out in Schedule B to Ontario Regulation 108/79.

(4) Subsection (2) does not apply to a municipality if there has been an assessment update of all real property in the municipality.

5. (1) Subject to subsection (2), this Regulation applies with necessary modifications to separate school boards referred to in sections 241 and 242 of the Act.

(2) Paragraph 3 of subsection 2(2) and paragraph 3 of subsection 3(2) do not apply to an apportionment by a divisional board or by a separate school board to a municipality situated in the County of Oxford, The District Municipality of Muskoka, or in an area where an assessment update has been carried out under subsection 371(2) of the *Municipal Act* or subsection 135.3(1) of the *Regional Municipalities Act*.

Conditions for Extended Funding

Made under the Education Act
O. Reg 102/87

REGULATION MADE UNDER THE
EDUCATION ACT

CONDITIONS FOR EXTENDED FUNDING

1. In this Regulation,

"implementation plan" means the plan formulated and filed with the Planning and Implementation Commission under subsection 136t(1) of the Act* for the school year referred to in the plan and in respect of which the board has been given notice;

"notice" means notice of the Minister that the Roman Catholic school board is eligible to share in the legislative grants for secondary school purposes,

- (a) for the school year set out in the notice, and
- (b) in respect of the method and location, if any, set out in the notice, for the provision of instruction in the grade or grades set out in the notice.

2. The following conditions are prescribed for the purposes of subsection 136e(2) of the Act*:

- 1. The Roman Catholic school board shall undertake in accordance with its implementation plan to provide in its schools or pursuant to an agreement with another board the grade or grades set out in the implementation plan.
- 2. The Roman Catholic school board shall meet the criteria set out in subsection 136v(2) of the Act* with respect to the provision of the grade or grades set out in its implementation plan.

* The Act referred in this Regulation is the Education Act, RSO 1980, Chapter 129.

